

105TH CONGRESS  
2D SESSION

# S. 1727

To authorize the comprehensive independent study of the effects on trademark and intellectual property rights holders of adding new generic top-level domains and related dispute resolution procedures.

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## IN THE SENATE OF THE UNITED STATES

MARCH 6, 1998

Mr. LEAHY introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To authorize the comprehensive independent study of the effects on trademark and intellectual property rights holders of adding new generic top-level domains and related dispute resolution procedures.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. STUDY OF EFFECTS ON TRADEMARKS AND IN-**  
4 **TELLECTUAL PROPERTY RIGHTS OF ADDING**  
5 **GENERIC TOP-LEVEL DOMAINS.**

6 (a) STUDY BY NATIONAL RESEARCH COUNCIL.—Not  
7 later than 60 days after the date of enactment of this Act,  
8 the Secretary of Commerce, acting through the Assistant

1 Secretary of Commerce and Commissioner of Patents and  
 2 Trademarks, shall request the National Research Council  
 3 of the National Academy of Sciences to conduct a com-  
 4 prehensive study, taking into account the diverse needs of  
 5 Internet users, of the short-term and long-term effects on  
 6 trademark and intellectual property rights holders of add-  
 7 ing new generic top-level domains and related dispute res-  
 8 olution procedures.

9 (b) MATTERS TO BE ASSESSED IN STUDY.—The  
 10 study shall assess and, as appropriate, make recommenda-  
 11 tions for policy, practice, or legislative changes relating  
 12 to—

13 (1) the short-term and long-term effects on the  
 14 protection of trademark and intellectual property  
 15 rights and consumer interests of increasing or de-  
 16 creasing the number of generic top-level domains;

17 (2) trademark and intellectual property rights  
 18 clearance processes for domain names, including—

19 (A) whether domain name databases  
 20 should be readily searchable through a common  
 21 interface to facilitate the clearing of trademarks  
 22 and intellectual property rights and proposed  
 23 domain names across a range of generic top-  
 24 level domains;

1 (B) the identification of what information  
2 from domain name databases should be acces-  
3 sible for the clearing of trademarks and intellec-  
4 tual property rights; and

5 (C) whether generic top-level domain reg-  
6 istrants should be required to provide certain  
7 information;

8 (3) domain name trademark and intellectual  
9 property rights dispute resolution mechanisms, in-  
10 cluding how to—

11 (A) reduce trademark and intellectual  
12 property rights conflicts associated with the ad-  
13 dition of any new generic top-level domains; and

14 (B) reduce trademark and intellectual  
15 property rights conflicts through new technical  
16 approaches to Internet addressing;

17 (4) choice of law or jurisdiction for resolution  
18 of trademark and intellectual property rights dis-  
19 putes relating to domain names, including which ju-  
20 risdictions should be available for trademark and in-  
21 tellectual property rights owners to file suit to pro-  
22 tect such trademarks and intellectual property  
23 rights;

1           (5) trademark and intellectual property rights  
2           infringement liability for registrars, registries, or  
3           technical management bodies; and

4           (6) short-term and long-term technical and pol-  
5           icy options for Internet addressing schemes and the  
6           impact of such options on current trademark and in-  
7           tellectual property rights issues.

8           (c) COOPERATION WITH STUDY.—

9           (1) INTERAGENCY COOPERATION.—The Sec-  
10          retary of Commerce shall—

11           (A) direct the Patent and Trademark Of-  
12          fice, the National Telecommunications and In-  
13          formation Administration, and other Depart-  
14          ment of Commerce entities to cooperate fully  
15          with the National Research Council in its activi-  
16          ties in carrying out the study under this sec-  
17          tion; and

18           (B) request all other appropriate Federal  
19          departments, Federal agencies, Government  
20          contractors, and similar entities to provide simi-  
21          lar cooperation to the National Research Coun-  
22          cil.

23           (2) PRIVATE CORPORATION COOPERATION.—

24          The Secretary of Commerce shall request that any  
25          private, not-for-profit corporation established to

1 manage the Internet root server system and the top-  
2 level domain names provide similar cooperation to  
3 the National Research Council.

4 (d) REPORT.—

5 (1) IN GENERAL.—Not later than 12 months  
6 after the date of enactment of this Act, the National  
7 Research Council shall complete the study under this  
8 section and submit a report on the study to the Sec-  
9 retary of Commerce. The report shall set forth the  
10 findings, conclusions, and recommendations of the  
11 Council concerning the effects of adding new generic  
12 top-level domains and related dispute resolution pro-  
13 cedures on trademark and intellectual property  
14 rights holders.

15 (2) SUBMISSION TO CONGRESSIONAL COMMIT-  
16 TEES.—Not later than 30 days after the date on  
17 which the report is submitted to the Secretary of  
18 Commerce, the Secretary shall submit the report to  
19 the Committees on the Judiciary of the Senate and  
20 House of Representatives.

21 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
22 authorized to be appropriated \$800,000 for the study con-  
23 ducted under this Act.

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